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Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to Libya

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, on her official visit to Libya from 25 to 31 January 2018. The report contains the findings and recommendations of the Special Rapporteur.

The humanitarian situation facing internally displaced persons in Libya and the lack of support for them for the protection of their human rights and to achieve durable solutions is of great concern. An estimated 2 to 3 per cent of the total Libyan population is currently internally displaced, according to available data. Strengthening protection and ensuring safety, security and humanitarian assistance must therefore be a high priority in order to save lives and improve living conditions. Libya and the international community must do more to address the ongoing and protracted displacement of hundreds of thousands of people, and provide the essential attention and resources to ensure conditions of safety, and to promote early recovery, resilience-building, reconciliation, and livelihood initiatives, which are necessary to ensure durable solutions for internally displaced persons. The Government of Libya must intensify its efforts to protect and assist internally displaced persons through the development of a comprehensive legal and policy road map based on the Guiding Principles on Internal Displacement and in conformity with international standards, that is established to better meet the immediate and medium- and long-term needs and human rights of these persons. Moreover, the prevention of situations of internal displacement by addressing the root causes, including human rights violations, must be given priority.

Internal displacement has become a permanent feature of life for many in Libya. As a result of not being able to find adequate protection or achieve durable solutions within the country, an increasing number of internally displaced Libyans have to resort to leaving the country, many for Europe. Many Libyans have legitimate protection concerns and it is

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important in that context that they have access to asylum procedures, in line with the Guiding Principles on Internal Displacement.[1]

The current government coordination system does not yet effectively meet the needs of internally displaced persons and should be improved. While the political will to protect and assist these persons through the establishment of a Ministry of State for Displaced Persons' Affairs is commendable, the Ministry's implementation of comprehensive and effective responses has been poor. Responses to those who are in protracted displacement are inadequate, and those who face discrimination because of their displacement are often left to fend for themselves. While some government officials point to resource and capacity shortfalls to account for their lack of action, others do not even acknowledge the specific vulnerabilities facing many internally displaced persons, which require specific measures, and these are therefore all factors that must be addressed.

A stronger commitment is required from the Government of Libya to address the particular challenges experienced by people displaced from their homes, and in particular those who continue to be persecuted and discriminated against after fleeing. The mere physical return of internally displaced persons is not equivalent to solving the issue of internal displacement in Libya, and in order to achieve durable solutions, internally displaced persons should no longer face human rights and protection issues linked to their displacement. It is essential to put internally displaced persons at the heart of the decisions affecting them, with their full and effective participation.

The situation of internally displaced persons in areas controlled by non-State armed groups should likewise be acknowledged. Non-State armed groups have obligations under international law to protect the civilians in the territories they control and to ensure that arbitrary displacement does not occur.

[1] It is stated in principle 15 that internally displaced persons have the right to leave their country (principle 15 (b)), the right to seek asylum in another country (principle 15 (c)) and the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk (principle 15 (d)).

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* Circulated in the language of submission and Arabic only.

I. Introduction

1. The Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, visited Libya at the invitation of the Government of National Accord, from 25 to 31 January 2018. The Special Rapporteur takes this opportunity to thank the Government of Libya for its cooperation with her mandate and its full respect for the implementation of her terms of reference as a special procedure mandate holder of the Human Rights Council. Moreover, the visit was the first ever made to Libya by a Special Rapporteur.

2. The Special Rapporteur met government officials, including the Chair of the Presidential Council of Libya and Prime Minister of the Government of National Accord, the Deputy Foreign Minister, the Minister of Justice, the Minister of State for Displaced Persons' Affairs, the Minister of Local Governance, and other ministry officials and interministerial committee members. She met the head of the internally displaced persons department (in the Ministry of State for Displaced Persons' Affairs), the head of the governorates and municipalities department, the international organizations director from the Ministry of Foreign Affairs, the head of Tawergha Local Council and members of the follow-up committee for Tawerghans' return. She also met with municipal officials of Misrata in Misrata and in Tripoli, as well as with former members of the Benghazi municipal council. Furthermore, she consulted with members of the diplomatic community in Tunis.

3. The Special Rapporteur met with the United Nations country team, and thanks in particular the Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya (UNSMIL), as well as the Deputy Special Representative for Libya and Resident Coordinator and Humanitarian Coordinator, and their team, for facilitating all aspects of her visit. She also thanks the numerous other United Nations agencies and other organizations and their representatives with whom she met, particularly from the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs, as well as members of the Protection Sector, the International Committee of the Red Cross and other non-governmental organizations who provided valuable information relating to the issue of internal displacement and who are working to provide support and assistance to internally displaced persons in Libya. She also expresses her particular gratitude to the staff of the UNSMIL Human Rights, Transitional Justice and Rule of Law Division, for their continuous and generous support in the preparation and conduct of her visit.

4. The Special Rapporteur met with internally displaced persons themselves and their representatives, who, in the Special Rapporteur's view, it is essential to consult with and listen to, and she thanks in particular those community members, activists and civil society representatives who met with her and provided essential information.

5. The main objectives of the Special Rapporteur's visit to Libya were to consult widely with government representatives, both at the national and the local levels, with United Nations bodies and specialized agencies, with civil society, and with other key national and international stakeholders on issues relating to internal displacement in Libya, and to identify the main humanitarian, human rights and protection concerns facing internally displaced persons. During her seven-day visit, the Special Rapporteur travelled to Tripoli, and to areas in the vicinity of Tripoli, as well as to Misrata where she met with numerous internally displaced persons who told her about their situations and challenges and their hopes for solutions. She regrets that she was unable to visit those affected by displacement in more remote areas in southern Libya, due to security-related limitations, where the conditions are reportedly of particular concern. Moreover, the Special Rapporteur regrets that the planned visit to Benghazi was cancelled at the last minute by the Benghazi authorities, seemingly due to logistical reasons. The cancellation was extremely unfortunate, as the Special Rapporteur was not able to listen to the views of the Benghazi authorities and to see first-hand the conditions causing a continuous fleeing of persons from

Benghazi, the conditions causing former residents not to be able to return, and the situation of internally displaced persons under the control of the Benghazi authorities.

II. The context of internal displacement in Libya

6. Libya has experienced several waves of armed conflict and internal displacement since the 2011 revolution between forces loyal to Colonel Muammar Gaddafi and those seeking to overthrow his Government. Libya has since suffered from political instability and clashes between rival armed groups, which further escalated in 2014, triggering armed conflicts in Benghazi, Tripoli, Misrata and other cities and causing civilian deaths, massive displacement and widespread destruction of property. An estimated 400,000 people (equivalent to 6 to 7 per cent of the country's population) became internally displaced in 2014 as a result of the nationwide renewed conflict, and many are still suffering the effects of this displacement, even those who have since returned.

7. Armed conflict in populated areas and political instability directly impacted the lives of an estimated 1.62 million Libyans across the country in 2017, and have resulted in 1.1 million people being in need of humanitarian assistance, including 170,000 internally displaced persons[2] whose access to basic necessities has been disrupted, including cash, fuel and electrical power. Moreover, the ongoing conflict and restricted access are constraining life-saving protection and humanitarian assistance throughout the country. Affected populations across Libya continue to face critical protection challenges, including risk of death and injury due to the reported indiscriminate use of weapons, lack of government protection of citizens, restricted freedom of movement, high levels of contamination by explosive hazards affecting human security,[3] and conflict-related psychological trauma. The number of internally displaced persons with mental health and psychosocial problems, including severe psychological distress, has increased substantially as a result of the conflict and the forced displacement they have faced.

8. Although the vast majority of the current displacement situation in Libya stems from the armed conflict, that is not the only factor causing displacement in the country. Other significant causes of displacement include human rights violations, violence, and persecution, as well as fleeing for fear of the factors just stated.[4] The Special Rapporteur emphasizes that these causes of internal displacement fall clearly within the scope of the Guiding Principles on Internal Displacement.

9. Displacements are still ongoing in Libya, with multifaceted causes, such as tensions leading to armed clashes in cities, lack of access to basic services, conflicts related to housing, land and property, political persecution, attacks based on alleged terrorist or party affiliations, and tribal and ethnic conflicts. During her visit, the Special Rapporteur was frequently informed by internally displaced persons that they had witnessed or been victims of human rights violations by several parties to the conflict, such as torture, unlawful

[2] According to the 2018 Libya Humanitarian Response Plan and Humanitarian Needs Overview, see https://reliefweb.int/report/libya/2018-libya-humanitarian-response-plan-january-december-2018 and https://reliefweb.int/report/libya/2018-libya-humanitarian-needs-overview-december-2017.

[3] The United Nations Mine Action Service has prioritized the capacity enhancement of local actors such as the Libyan Mine Action Centre. Since 2015, the United Nations Mine Action Service has trained over 70 National Safety Authority operators and military engineers in advanced explosive ordnance disposal. The United Nations Mine Action Service has also assisted the Libyan Mine Action Centre in developing the Libyan Mine Action Standards.

[4] According to the International Organization for Migration's Displacement Tracking Matrix for January and February 2018, 8 per cent of internally displaced persons indicated that threats or fear of general conflict and violence and armed group presence were the main drivers of their displacement. 15 per cent mentioned other security-related issues, such as political affiliation, and the remaining 2 per cent stated economic factors. In addition to conflict and the presence of armed groups preventing 75 per cent of internally displaced persons from returning, some 18 per cent of such persons reported that their continuing displacement was due to other security issues. The threat or presence of explosive hazards was reported as hindering the return of 2 per cent of internally displaced persons, and economic factors (including lack of livelihood opportunities) accounted for the continued displacement of 1 per cent.

killings, indiscriminate attacks, abductions, kidnappings and enforced disappearances,[5] and that there had not been accountability for those violations, thereby barring their return to their places of origin.

III. National legal, policy and institutional responses for protection and assistance for internally displaced persons

10. Having in place appropriate and effective institutions at the national and municipal levels to respond to internal displacement is essential to having a coordinated and comprehensive response to internal displacement. The Government of Libya has taken an essential first step by creating a Ministry of State responsible for displaced persons' affairs and designating a Minister, and by establishing a high committee for the return of internally displaced persons, and other council-level committees, across parts of the country. This positive demonstration of some political will and commitment must be acknowledged and is highly commendable.

11. Improved coordination mechanisms within the Government of Libya are needed in order to have clearer objectives and greater clarity about the roles of key institutions in responding to internal displacement, as well as about their partnerships with both national and international partners. This should be addressed as a matter of priority. The Special Rapporteur was informed that the allocation of resources, and the coordination across the ministries and between national and municipal counterparts, remains poor. Nevertheless, with the appropriate resources, capacity and — above all — political will, the Ministry of State for Displaced Persons' Affairs has the potential to function more effectively and be better able to respond to the internal displacement situation.

12. The main responsibility for responding to internal displacement falls on the Government of Libya, yet it undeniably faces an immense task that it cannot cope with alone. It is clear that an urgent and coordinated response from the Government of Libya and national and international development and humanitarian organizations working in stronger partnership with each other is required. The Government of Libya must support United Nations and other humanitarian and development actors so that they can operate freely in areas under its control and where security allows it, with unhindered access to all locations and internally displaced populations.

13. While humanitarian assistance must be the highest priority so as to reduce vulnerability and enhance the protection environment, the Government of Libya, together with its national and international humanitarian and development partners, must already begin to take steps towards supporting internally displaced persons so that they can achieve durable solutions and towards improving recovery strategies. It should also prioritize community reconciliation and social cohesion projects[6] that address the possibility of return for some or local integration for those who are unable or unwilling to return, and also adequately address the issues of host communities. Where the possibility of voluntary, safe and dignified return exists, it must be recognized that justice, reconciliation and the rebuilding of trust between communities may be required in the short, medium and long term and that this may require specially trained units, police officers and other public officials to prevent tensions from emerging. Addressing internal displacement within national development frameworks, including implementing the Sustainable Development Goals, is vital in order to achieve durable solutions for those in protracted displacement.

[5] Corroborated in S/2017/726, which was submitted pursuant to Security Council resolution 2323 (2016).

[6] UNHCR initiatives include increasing social cohesion and mitigating conflict between internally displaced persons and host communities through the implementation of community assistance projects. In 2017 and 2018, UNHCR is planning to implement more than 200 quick-impact projects throughout Libya. The "Together We Rebuild" community stabilization programme, of IOM, seeks to address drivers of displacement and instability by restoring services and community infrastructure, promoting social cohesion and supporting the reintegration of livelihoods. IOM has supported the improvement of access to water for more than 47,000 inhabitants in Sabha and Qatroun and has rehabilitated 16 schools and 18 prefabricated classrooms.

14. While the country is perceived as an upper middle-income country with vast oil resources, the cost of the conflict has taken a severe toll on the Libyan economy, which remained in recession for the fifth consecutive year in 2017.[7] Political strife, poor security conditions and blockaded oil infrastructure continue to constrain the supply side of the economy, which is now near collapse. Several of those that the Special Rapporteur met with expressed frustration at how this current economic "liquidity" crisis[8] is exacerbating — in particular — the difficulties faced by vulnerable internally displaced persons, as well as the capacity and ability of the Government of Libya to respond comprehensively to the internal displacement challenges.

15. It must be stressed that in the midst of the economic crisis, which is exacerbating the lack of response to the displacement situation, there are very specific displacement-related issues that are not experienced by the general population and that need to be addressed. The approach of the Government of Libya has been largely ad hoc, and it must intensify its efforts, prioritize the allocation of necessary resources, and ensure essential planning to meet the needs of internally displaced persons.

16. In order to improve the response of the Government of Libya to the displacement crisis, a vital step will be to put in place a comprehensive road map on internal displacement, with the participation of a broad range of stakeholders, implemented nationally and developed with full participation of the relevant municipalities and of internally displaced persons themselves. It must have the necessary budgets in place, and guide governance and response structures effectively. Local governments and authorities, as front-line providers of protections and assistance, must be empowered to implement and manage the road map.

17. The signing and ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) could also be helpful to the Government of Libya as a guidance tool to regulate the Government's actions at the national and regional levels. National policies and legislation to address the needs of internally displaced persons can provide an effective framework on how to protect civilians from involuntary displacement, and on being prepared to respond to possible displacement, protect and assist displacement-affected communities during displacement, and create conditions enabling safe, voluntary and durable solutions to internal displacement.

IV. Critical humanitarian and human rights challenges

A. Humanitarian access to internally displaced persons

18. Most foreign embassies, the United Nations, the International Committee of the Red Cross and other international agencies were forced to withdraw their international staff and to mostly operate remotely, starting in 2014, due to the deteriorating security situation. For the United Nations, although it is now increasing the numbers of staff on rotation in Libya, the restricted presence of agencies and international staff due to the security situation continues to be a major challenge.

19. The protection[9] and human rights activities of the international community have thus been restricted since 2014, which has complicated many operations and activities, engagement with communities, and engagement with local authorities, as well as attempts to collect comprehensive information. Operating in Libya remains hazardous and

[7] World Bank, "Libya's economic outlook — April 2017"; see www.worldbank.org/en/country/libya/publication/economic-outlook-april-2017.

[8] Lack of cash in the formal markets is identified as one of the main needs among internally displaced persons, which further exacerbates their vulnerability and triggers negative coping mechanisms; see Office for the Coordination of Humanitarian Affairs (OCHA), 2018 Humanitarian Needs Overview.

[9] In December 2017, the Protection Sector led by UNHCR started convening field protection sector meetings in Tripoli, in order to involve more local civil society organizations and representatives from various authorities.

unpredictable, due to multiple factors such as presence of mines and explosive devices, threats of abductions and the kidnapping of international personnel, proliferation of armed groups with no clear chain of command, and continued conflict and violence.

20. Lack of sustained and regular humanitarian access across Libya continues to be a challenge for humanitarian partners and puts the lives of vulnerable internally displaced persons at risk. The main causes for access restrictions, as reported to the Special Rapporteur, are periodic clashes among armed groups, the existence of unexploded ordnance and landmines, bureaucratic and varying procedures imposed on the movements of humanitarian organizations, lack of authority in some areas, and inaccessibility due to besiegement and remoteness.

21. United Nations representatives, and other humanitarian representatives, expressed concern to the Special Rapporteur about the lack of access or restricted access to many areas in southern and eastern Libya, due to ongoing conflict, and consequently not being able to reach many internally displaced persons in desperate need of assistance. Heavy security measures and constraints by the United Nations and other humanitarian actors also makes timely access difficult in many cases. Even in liberated areas, unexploded ordnance and landmines are reported as being a significant hindrance to accessing the population.

22. Where security allows it, the Government of Libya must assist the United Nations and other humanitarian actors to operate freely in areas under its control, with unhindered access to all locations. Moreover, armed groups, including those aligned to the Government, have an obligation to facilitate, rather than hinder, such access.

23. Bureaucratic barriers imposed by the Government of Libya, and other restrictions or unjustifiable opposition to the carrying out of programming supporting internally displaced persons and at-risk communities, are currently a major impediment to the work and effectiveness of humanitarian and development actors, and should be put to an end.

24. The situation of those in hard-to-reach locations remains extremely difficult to assess and is a major cause for concern. It is imperative that the Government of Libya ensure that efforts are stepped up to provide assistance to the fullest extent possible to the vulnerable communities in these areas, including those at protection risk because of tribal conflicts and land issues.

B. Displacement data

25. During the time of the Special Rapporteur's visit, the estimated number of internally displaced persons, according to available data, who were still displaced in Libya was approximately 193,000, and the number of displaced persons who have returned to their areas of origin since the beginning of 2016 is around 317,000.[10]

26. Internal displacement in Libya is characterized by a combination of major displacement movements due to armed conflict as well as urban-to-urban and multiple displacement of individuals and families from different localities due to human rights violations and persecution based on perceived political and ideological affiliations. Consequently, the actual total number of those affected by internal displacement is difficult to estimate, as many internally displaced persons seek anonymity due to fears for their safety and security, and some leave the country to find safety and protection elsewhere.

27. Several government officials that the Special Rapporteur met during the mission downplayed the extent of the displacement problem within Libya, in clear contrast to credible evidence and information provided by local authorities, civil society and international organizations. This demonstrates the urgent need for more comprehensive disaggregated data on internally displaced persons, including on the most vulnerable, in order to monitor the protection needs of women, children, youth, older persons, and persons with disabilities.

[10] IOM Displacement Tracking Matrix, September to November 2017.

28. While some positive steps have been taken with regard to data collection, including through the International Organization for Migration's Displacement Tracking Matrix, and via other surveys and assessments, a credible profiling exercise of the internal displacement situation remains essential in order to build a comprehensive picture of the issue, identify trends and causes as well as risk profiles, and understand not only the numbers of those affected but also their locations, needs, protection issues and durable solutions preferences, in comparison with the needs of host communities. This is essential in order to find sustainable solutions for many hidden and anonymous[11] internally displaced persons, and would provide to the Government of Libya and its humanitarian and development partners a necessary evidence base to plan, design and implement adequate responses for protection, assistance and durable solutions for internally displaced persons.

C. Documentation and access to services

29. Challenges relating to personal documents and civil documentation were frequently raised by the internally displaced persons whom the Special Rapporteur met with. Many had left their documents behind as they fled their homes and consequently now faced challenges in gaining access to services, assistance and employment. Without documents, their freedom of movement and ability to reach safe locations may also be severely restricted, as they are hindered in passing checkpoints. Of particular concern is the requirement for internally displaced persons to travel back to their place of origin in order to complete the necessary administrative requirements to reissue valid identity documents. Internally displaced persons are frequently not able to do so safely and this requirement may therefore put them in danger.

30. Recognizing these security and logistical challenges facing internally displaced persons, the national Government and the municipal authorities should therefore take the steps necessary to ensure that documentation can be issued, and banks accessed, in places of displacement rather than in places of origin, and with no undue administrative obstacles. The Special Rapporteur urges the Government of Libya to give high priority to this issue and ensure that civil documentation is available to internally displaced persons — including birth, marriage and death certificates. This may require innovative solutions, including the use of mobile documentation and facilities to reach people in the locations they have been displaced to.

31. In the internally displaced persons' informal settlements that the Special Rapporteur was able to visit, essential needs were being met, and it was encouraging to note that parents reported that their children were attending schools, and that most facilities had some form of primary health-care service in place. Some of the internally displaced women with whom the Special Rapporteur met informed her that they had been able to give birth at hospitals, without any restrictions. Nevertheless, some internally displaced persons still remained in informal settlements six to seven years after their displacement, in cramped and extremely basic shelters, with several family members sharing a single room and with communal bathing and cooking facilities. Furthermore, the most vulnerable internally displaced persons had few or no coping mechanisms to protect and support themselves, and access to essential household goods such as food had been reduced due to insecurity, inflation and limited availability of cash in the country.

32. The situation of many internally displaced persons in the south of Libya, where access is entirely restricted for most of the international community due to security concerns, is largely unknown and neglected, which is deeply worrying. The Special Rapporteur was deeply concerned by information provided to her through testimonies by internally displaced persons and reports from humanitarian actors that many internally displaced persons and overstretched host families in the south are allegedly living in dire

[11] In Libya, many internally displaced persons flee to urban centres in an attempt to hide more easily from the persecution that triggered their displacement, and it is therefore vital that anonymized methodologies such as profiling (as opposed to registration of internally displaced persons) be used to distinguish internally displaced persons from host communities and migrants, especially in urban centres.

circumstances, and in situations of insecurity, and lack access to basic services and work due to long-standing underdevelopment of the region. During the Special Rapporteur's visit, she was repeatedly told of the reportedly complete absence of adequate services in the south, including of functioning hospitals[12] and schools, which was forcing many to leave their homes.

D. Displacement outside of camps

33. The majority of the internally displaced persons in Libya do not live in formal camps, but instead cluster in informal settlements such as abandoned factories, or stay in homes to escape or hide from potential sources of persecution. Moreover, many internally displaced persons are displaced in urban areas,[13] where their plight is less visible. This must not lead to complacency about the situation of these hundreds of thousands across the country who are still trying to rebuild their lives. The impact on their lives is immense and the vulnerability and suffering that they endure is devastating, and this must be recognized and addressed consistently by the Government of Libya and its national and international partners.

34. No verified figures are available regarding the total number of Libyans who are displaced in cities such as Tripoli and Benghazi, partly because many internally displaced persons avoid being registered, out of fear for their safety. The Special Rapporteur is concerned that this aspect of displacement in Libya is therefore relatively less attended to, both nationally and internationally.

35. The majority of those outside so-called camps are receiving little if any humanitarian assistance and their situation must be better understood and addressed, as must the needs and problems of the host communities supporting them. This will require data, resources and expertise that are currently absent and must be quickly put in place. Those who are not in camps must not be left to fend for themselves and they must be identified and provided with relevant information and assistance to the fullest extent possible.

36. Frequently, internally displaced persons are living in substandard conditions in unfinished or abandoned buildings. Most are living in rented accommodation or empty factories where they are forced to pay rent. This often leads to depletion of their financial resources and their eventual eviction, and to renewed displacement, due to their inability to pay rent over the long term and in the absence of opportunities to earn a livelihood. Such internally displaced persons face not only harsh conditions but also uncertainty about their futures because of insecurity of tenure.

37. The elderly, children, persons with disabilities, pregnant women and other highly vulnerable persons must be the highest priority in these cases.

E. Discrimination and security challenges facing those fleeing the east

38. Many internally displaced persons in Libya who experience constant insecurity in their places of origin take the difficult decision not to return to their homes. This is particularly the case of internally displaced persons from the east of the country, who primarily have become displaced as a result of violations against them by the de facto authorities and are now facing even more violations after having been displaced. The Special Rapporteur met with persons displaced from Benghazi to Tripoli and to Misrata,[14]

[12] An estimated 20 per cent of all hospitals in Libya have been destroyed due to the armed conflicts. Some humanitarian and development actors are implementing projects to restore services to a certain extent.

[13] OCHA, Humanitarian Needs Overview 2018; available at https://reliefweb.int/sites/reliefweb.int/files/resources/2018_LBY_HNO_Final%20v2.1.pdf.

[14] During the mission, newly displaced persons from Benghazi were still arriving in Misrata, their displacement reportedly being triggered by summary executions of civilians in Benghazi. The current security situation in Benghazi is such that the return of internally displaced persons to Benghazi is

who were not able to return home on account of security concerns, impeded freedom of movement and a fear of becoming victims of violations of human rights, including arbitrary arrests, torture, unlawful killings, indiscriminate attacks, disappearances and forced displacement. This demonstrates that durable solutions do not lie in their mere physical return. Many of the internally displaced persons with whom the Special Rapporteur spoke also shared stories of not feeling safe even within the cities in which they were now living, and experiencing daily discrimination, which interfered with their ability to secure livelihoods for themselves and their families. In many cases, this fear even prevented them from requesting assistance from the authorities.

39. Although the Special Rapporteur is well aware that discrimination is not a policy of the Government of Libya, it is still very much present in Libya and particularly targets internally displaced persons. Many children experience discrimination from teachers due to their perceived affiliation to members of armed groups. Specific measures should be adopted by the authorities to counter this. One 7-year-old girl originally from Benghazi, whom the Special Rapporteur met in one of the informal settlements in Misrata, told her that she did not like going to school "because the teachers hate me and they say I am a child of terrorists and should go back to where I belong".

40. Regrettably, the Special Rapporteur was informed by numerous internally displaced persons from the east that they or their family members had suffered arbitrary detention, torture, or disappearance of family members, and/or had witnessed executions. Investigations into these abuses must be taken extremely seriously and perpetrators must be held accountable for these violations. There is apparently little trust in the judicial system, and the Special Rapporteur was told on a number of occasions that many judges and lawyers are pressured into not taking on cases involving human rights abuses against internally displaced persons due to political sensitivities. During the Special Rapporteur's visit to one of the informal settlements, she was informed about the establishment of a "committee of affected populations in charge of missing persons" set up by the internally displaced persons themselves due to many of their relatives still being missing after the clashes. Moreover, some family members had reached out to the International Committee of the Red Cross and other organizations for support with family tracing. They were also actively requesting psychosocial support for family members and especially for widows with missing husbands.

41. Several internally displaced persons reported to the Special Rapporteur that in light of the risk of abuses they faced, and the lack of protection and of livelihood options for them in Libya, they were seriously contemplating leaving the country. In fact, it was reported to the Special Rapporteur during the visit that some internally displaced persons ended up taking dangerous migration routes[15] in an attempt to seek protection outside of the country.

42. There is also a fear among many internally displaced persons that their young people are at high risk of being recruited by armed groups. While legitimate security concerns were reported to the Special Rapporteur by the Libyan authorities, including that fighters from Islamic State in Iraq and the Levant may try to infiltrate internally displaced communities, it must be recalled that the overwhelming majority of internally displaced persons are innocent victims of conflict and they must be respected and treated on a humanitarian basis within the framework of protection of civilians.

43. Arrest and detention of internally displaced persons was reported during the visit numerous times and raises concerns with regard to due process, duration of detention, and living conditions and treatment in prisons which included allegations of torture and of lack of access by lawyers and family members of those detained. Many internally displaced persons from Benghazi have been targeted on suspicion of supporting terrorist groups, and many of those displaced whom the Special Rapporteur spoke with reported that male family members had been detained since 2014 and that they had had little or no information about

strongly discouraged.

[15] In these cases of desperation to leave, there is a high risk of internally displaced persons becoming victims of trafficking or smuggling.

their whereabouts or contact with them. International standards require that no person can be arbitrarily detained or held without charge, and those who have not been charged with a crime should be released without delay.

44. The Special Rapporteur was deeply disappointed at not being able to visit the east of Libya, as intended. Despite extensive discussions with the Benghazi authorities about the planned visit, and with detailed preparations already in place, the visit was cancelled at the last minute by the Benghazi authorities, much to her regret. The Special Rapporteur would strongly urge that renewed attention be paid to the plight of the internally displaced persons in the east of the country.

F. Protection for vulnerable groups

45. The Special Rapporteur was particularly concerned about the protection issues and assistance challenges associated with specific, highly vulnerable groups of internally displaced persons, including children, women and girls, older persons, persons with disabilities and those from targeted ethnic or tribal groups. There remains a lack of data and comprehensive needs assessments regarding such vulnerable groups and their circumstances. Older persons and those with disabilities, for example, may face challenges living in unsafe locations, informal camps, and tents and shelters that are unsuitable for extremes of temperature. Their coping mechanisms are weaker than those of others, which means that they are more heavily reliant on humanitarian assistance and require dedicated support. Many were forced to flee without their possessions or any essential household items, and have been in need of basic items such as mattresses, blankets, hygiene kits and kitchen sets.[16]

46. The situation of women and girls in internally displaced persons' settlements and conflict-affected areas is of particular concern, and although the Special Rapporteur was not informed directly of allegations of rape or sexual and gender-based violence, there remains a big concern that this may constitute a hidden crisis of abuse, with fear, stigma and cultural factors as well as impunity for perpetrators leading to the underreporting of abuse to the relevant authorities.

47. Numerous reports on protection and gender profiles in Libya show that sexual and gender-based violence is widespread, particularly against vulnerable women and girls, such as those in situations of displacement. According to several reports submitted to the Special Rapporteur, violence against internally displaced women and girls ranges from psychological and verbal abuse to kidnapping, rape and other forms of sexual assault. Due to stigma, fear of retaliation, weak reporting structures, lack of specialized staff and a lack of trust in the formal judicial system, these cases of sexual and gender-based violence are widely underreported in Libya.[17] This avoidance of the formal justice system and breakdown of the rule of law has reportedly led to impunity for members of armed groups who perpetrate sexual and gender-based violence on all sides of the conflict.

48. Information submitted to the Special Rapporteur indicates that the vast majority of survivors of sexual and gender-based violence in Libya do not receive adequate assistance. There is a noticeable lack of government policy structures,[18] institutional capacity and resources for the provision of multisectoral services for survivors of sexual and gender-based violence (including health care, psychosocial support, legal aid and other support

[16] In 2017, IOM supported 9,433 internally displaced families (51,882 individuals) by providing them with non-food items, and UNHCR provided core relief items to 61,279 internally displaced persons and returnees, as well as cash-based interventions to over 2,040 households.

[17] Gender Situational Analysis in Libya, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2016; Libya Humanitarian Response Plan, 2017; and European Union/External Action Service Update of the Gender Profile: Libya, Huda Gashut, 2017.

[18] Libya acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1989, but made a general reservation that accession "cannot conflict with the laws on personal status derived from the Islamic sharia".

services). Assistance by international organizations also remains limited, considering the great extent of the unmet needs.[19]

V. Prospects and challenges for the achievement of durable solutions

49. Achieving durable solutions enables internally displaced persons to resume their normal lives. Principles 28 to 30 of the Guiding Principles on Internal Displacement make provision for durable solutions and the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons provides guidance on how to achieve durable solutions, which is often a complex process.[20]

50. In many locations of possible return in Libya, houses[21] and infrastructure have been destroyed. Many cities are contaminated with explosive remnants of war and a state of fear prevents internally displaced persons from returning.[22] Full assessment of safety and security in those localities needs to take place. Any returns must be voluntary, monitored, safe and dignified. Many areas require complete reconstruction before return becomes a possibility.

51. The nature of the conflict in 2011 meant that the entire population of the city of Tawergha — approximately 43,000 people — were forced to flee their homes. The majority of them sought refuge in informal settlements around Tripoli or Benghazi. People have now been internally displaced for seven years, and many of the Tawerghans that the Special Rapporteur spoke with were eager to return home but were also apprehensive about the conditions they would find upon returning. Following a political dialogue from 2015 to 2017 between the Tawerghans and the Misratans, an agreement was reached by the two communities for the Tawerghans to return on 1 February 2018. However it was clear from all the actors the Special Rapporteur spoke to that there was an immense lack of communication regarding the return, and of clarity of leadership and accountability regarding reconstruction and the re-establishment of services needed in order to provide sustainable livelihoods.

52. The lack of preparation and of unified agreement on the scheduled return of the Tawerghans on 1 February 2018 has led to thousands of Tawerghans being barred from returning and being now forced to live in makeshift shelters in the desert.[23] Armed groups from nearby Misrata blocked the Tawerghans' return,[24] and many children, women and men are now stranded in the desert and suffering extremely poor living conditions, such as poor sanitation, lack of access to health facilities, shortages of medicines, and limited drinking water. Although some of the families camping out in the desert are receiving life-

[19] A gender-based violence sub-working group has just been established under the protection sector and the mixed migration working group, and on the basis of an initial service mapping, it is evident that support services to counter gender-based violence are limited in the country.

[20] See UNHCR, Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons*, June 2010.

[21] According to principle 21 of the Guiding Principles on Internal Displacement, internally displaced persons' property may not be destroyed as a form of collective punishment and authorities must take steps to protect their property from arbitrary and illegal appropriation or occupation; in principle 29, it is stated that the competent authorities have the duty and responsibility to assist internally displaced persons with recovery, restitution or compensation. See also the principles on housing and property restitution for refugees and displaced persons, of 2005; the basic principles and guidelines on development-based evictions and displacement, of 2007; and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, of 2012.

[22] Recent figures suggest that hundreds of thousands of people living in major cities are at a high risk of death or serious injury due to explosive remnants of war. According to a UNHCR and Mercy Corps vulnerability assessment conducted in December 2016, unexploded ordnance is among the main protection concerns for internally displaced persons, particularly in Benghazi.

[23] This was the situation at the time of the writing of the present report (March 2018).

[24] Human Rights Watch, "Libya: residents barred from returning home", 16 February 2018, available at https://www.hrw.org/news/2018/02/16/libya-residents-barred-returning-home.

saving assistance from host communities, as well as from local and international humanitarian actors, it is essential that the Government of Libya fulfil its international obligation to protect and assist them and that it take concrete action to ensure the Tawerghans' safe, voluntary and dignified return.

53. The return of the Tawerghans to an area that experienced intense fighting also exposes them to risks, including the danger of explosive remnants of war. One young Tawerghan girl that the Special Rapporteur met with in one of the settlements expressed apprehension about returning due to a fear that mines may be hidden in her home. It is essential for the return of all Tawerghans to be voluntary and informed and for them not to face pressure to return prematurely. It is vital that the rest of their return process be monitored.

54. For those Tawerghans who continue to live in informal settlements until returning home, the Government of Libya, local authorities and international actors should promote and support efforts by internally displaced persons to be better organized, through the establishment of committees, and should ensure their participation in the management of the informal settlements. It is especially crucial for women and children to be given a forum where they can express their needs and for them to have a stronger and more unified voice.

55. It cannot be stressed enough that the mere physical return of internally displaced persons is not equivalent to solving the issue of displacement, and it is imperative that the Government of Libya ensure the safety of internally displaced persons, and assistance for them, during their return, as well as the rebuilding of their homes and their standard of living. So long as there remain unresolved displacement-related issues, internally displaced persons remain internally displaced persons and have not achieved durable solutions.

56. The Special Rapporteur received numerous reports concerning the primary groups of protracted internally displaced persons in Libya, which include those from Tawergha, Gwalesh, Mashashiya, Benghazi and Warshefana, who are unable to go back to their places of origin out of fear of retaliation and a lack of physical safety for them and their families. The fear and the security conditions are the main reasons why local reconciliation efforts and agreements to encourage their return have so far failed. This protracted internal displacement situation for several ethnic groups [25] in Libya further hampers any reconciliation efforts, due to the prolonged disconnection between those who were forcibly displaced and those who could stay behind.

57. Durable solutions and transitional justice steps need to be integrated at the earliest phase of a return process. Massive investment in rebuilding homes and infrastructure will be required, as well as a strategy for development, in order to prevent further displacement or situations of protracted displacement. It is essential that development partners be engaged at the earliest phase to integrate development approaches into the humanitarian phase — such as re-establishing livelihoods and initiating recovery programmes.

58. Consultation and participation of internally displaced persons in processes that affect them could be improved. The Government of Libya has not established mechanisms to ensure consultation with internally displaced persons or their participation in decision-making, and their meaningful involvement in reconciliation processes has not been facilitated.

VI. Role of the international community

59. Other ongoing crises have understandably required much-needed attention and resources from the international community. Nevertheless, it is vital that attention to Libya does not fade at this critical point in time when attention to durable solutions for internally displaced persons is needed and when humanitarian and development support needs to be maintained and enhanced.

[25] Testimonies show that discrimination in the south of Libya against minority ethnic groups is the trigger causing them to flee their homes.

60. Humanitarian actors in Libya must be commended for the essential work they undertake under extremely difficult conditions. However, they are stretched thin and can only work within the confines of the resources and access that they have, which is gravely inadequate at the present time. These dedicated agencies bear the brunt of the criticism on the ground, and yet it is the lack of access, and the shortfall in funding[26] across all sectors — including health, food, water and sanitation, and most of all, protection — that hampers their work and requires the urgent attention of the Government of Libya and the international community. While the Government of Libya lacks the capacity and appropriate prioritization of resources to fully meet the humanitarian needs of internally displaced persons and development and reconstruction requirements, it is imperative that the international community does not turn its back on these issues in Libya and remains a consistent and reliable partner in providing humanitarian and development assistance. Improvements are also needed at the local level, where numerous local actors and United Nations agencies seemed to not be fully coordinated in terms of implementing in a more holistic manner on the ground. A comprehensive internally displaced persons response strategy for the humanitarian actors would be a valuable tool in this regard.

61. The launch of the Humanitarian Response Plan for 2018,[27] held on 25 January 2018 in Tripoli, and in which the Special Rapporteur participated, was a positive reinforcement that the humanitarian plight of the Libyan people continues to be of concern to the international community. The challenges facing the Government of Libya are massive and yet its capacity to respond is limited and constrained, including by the economic crisis.

62. The international community must urgently bolster support to humanitarian agencies working tirelessly to alleviate the suffering of the hundreds of thousands of people affected by the displacement crisis.

VII. Conclusions and recommendations

A. General remarks

63. **Primary responsibility for protecting and assisting internally displaced persons lies with national authorities. The Government of National Accord of Libya has demonstrated some political will and commitment to addressing the situation, but intensified efforts are required to meet the humanitarian needs and protect the human rights of the many internally displaced persons. The Special Rapporteur was disappointed to learn that Libya has neither a legal framework for addressing the rights and needs of those persons, nor a comprehensive policy in line with international standards, including the Guiding Principles on Internal Displacement. This hampers the ability of the Government of Libya and other partners to respond to internal displacement with coordinated and clearly defined protection and accountability mechanisms, structures and protocols and with dedicated budgets. Greater political will and prioritization is essential to address the weakening of resources due to the conflict and prevailing economic conditions, which along with the fragmentation of authority is reducing its capacity to respond effectively to the displacement crisis.**

64. **In view of the complex nature of the crisis in Libya, a national road map would ensure clearly defined responsibilities across ministries and other dedicated bodies, including the Ministry of State for Displaced Persons' Affairs and various committees, which would allow for more systematic, comprehensive, and legally based responses.**

[26] According to the OCHA Financial Tracking Service, in 2016 only 39 per cent of the total required humanitarian funding appealed for in the Humanitarian Response Plan was provided (leaving $105,115,148 in unmet requirements). In 2017, 65 per cent of the total requirement was provided (leaving $52,902,703 in unmet requirements). See https://fts.unocha.org/appeals/533/summary.

[27] The 2018 Humanitarian Response Plan seeks $313 million in order to target 940,000 people in Libya. This is a substantial increase in funding required, compared to the 2017 requirement of $151 million. See https://fts.unocha.org/appeals/533/summary.

Moreover, it would assist municipalities hosting internally displaced persons and those where safe, dignified and voluntary return based on the respect of human rights is possible, and would ensure that contingency measures are put in place in order to establish programmes and deploy rapid assistance at the earliest opportunity to respond to any potential new or renewed displacement. It would also allow the Government of Libya to better inform the international community about how to best provide tangible support to the Government. Mapping of the locations of internally displaced persons, and data on such persons, across Libya and especially in the larger cities such as Tripoli, Misrata and Benghazi will be important to ensure that all actors are aware of the areas and specific needs requiring coordinated assistance, with a view towards stabilization within the context of durable solutions.

65. The situation of many of the internally displaced persons across Libya is dire and should no longer be downplayed by the Government of Libya. If the situation of internal displacement is left unacknowledged and unaddressed, it has the potential to lead to a cementation of the protracted displacement. Many internally displaced persons, the vast majority of whom are women and children, are traumatized by the violence that prompted them to flee and that cost them their homes, their livelihoods and their family members. An alarming number of displaced Libyans suffer from conflict-related psychological traumas and require urgent psychosocial support.

66. Although many internally displaced persons have returned to their homes, concerns remain that must be addressed regarding the conditions to which they are returning, such as lack of safety and security, lack of access to services, discrimination and a low standard of living. Return must only take place voluntarily, on an informed basis, in conditions of security and dignity and with appropriate support in place.

67. It was frequently emphasized in meetings during the visit that internal displacement in Libya has in some cases also been a precursor to further cross-border movement, due to a lack of protection, support and assistance. Several of the internally displaced persons that the Special Rapporteur spoke to expressed desperation at the fact that they experienced discrimination and fear of persecution on a daily basis and that the only choice they saw in order to feel safe and to support the livelihoods of their families was to seek protection outside of the country by using the Central Mediterranean migration routes to Europe. Civil society groups and media sources are increasingly reporting that more and more Libyans are joining mixed migratory movements to Europe. The Office of the United Nations High Commissioner for Refugees (UNHCR) reports that in 2017, 1,243 Libyan nationals arrived in Italy by sea and that the number of Libyans reaching Italian shores had increased by 39 per cent compared to 2016. In 2017, Libyans lodged 485 asylum applications in Italy (citing insecurity, generalized violence and personal threats). The label "economic migrant" is too often and too quickly applied, and yet does not take into account the unique circumstances of fear, threats of persecution and lack of options facing internally displaced persons who decide to leave Libya. While it is acknowledged that many people turn to migrant routes for economic and other reasons, it must also be recognized that many are at high risk of persecution due to perceived political and other group affiliations and face legitimate protection issues. A distinction must be recognized for those whose movement is based on a well-founded fear for their lives, and of their freedom being at risk, which leads them to flee their homes.

68. Moreover, the Special Rapporteur recalls the responsibility of armed groups, in areas under their control, to protect civilians, including internally displaced persons, in accordance with international humanitarian and human rights law and standards. The conduct of hostilities by all parties in Libya has been, and to some extent continues to be, characterized by widespread disregard for the rules of international humanitarian law and the obligation to protect civilians. Fighting and excessive use of force has been, and remains, particularly severe in the south and east of Libya, as well as in Tawergha. Armed groups must take responsibility for the protection of civilian populations to ensure their security and their access to humanitarian assistance. They should allow and facilitate rapid, safe and unhindered access for humanitarian actors

to conduct their work in line with the four core humanitarian principles (namely humanity, neutrality, impartiality and independence) and ensure freedom of movement for the entire Libyan population.

B. Recommendations

69. **The Special Rapporteur makes the following recommendations to the Government of Libya:**

1. Institutional and policy frameworks

(a) **Prioritize the creation of a national road map to establish a common strategy, and help guide and ensure a coordinated response for appropriate and effective responses to internal displacement. The road map should be formulated in accordance with the Guiding Principles on Internal Displacement, and be implemented across all relevant ministries and in cooperation with United Nations and other national and international partners;**

(b) **Ensure that the road map clarifies roles and assigns institutional responsibilities, and improves coordination across national, municipal and local actors; this would involve strengthening awareness-raising activities in order to promote knowledge of the road map and to encourage increased communication among officials, ministries, departments, municipal authorities and internally displaced persons;**

(c) **Ensure that the Minister of State for Displaced Persons' Affairs is able to function effectively as an institutional focal point for internal displacement with an appropriate mandate (defined in the road map), an appropriate budget and a secretariat — this should include a review of the role and function of the Minister to increase his or her coordination role; and ensure a systematic approach to addressing situations of internal displacement;**

(d) **Initiate the process of reviewing national legislation in Libya, with the direct support of international actors experienced in legal reviews, to study how national-level policies and existing laws compare to international standards, to the Guiding Principles on Internal Displacement and to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).[28] Such a review may help to remove legal obstacles for internally displaced persons, and to identify gaps and legislation in need of amendment, including the ratification of the Kampala Convention;**

(e) **Ensure appropriate budgets to address internal displacement, based on legal and policy frameworks to implement policy measures and programme responses to the fullest extent, including at the local levels;**

(f) **Publicly acknowledge all groups of internally displaced persons and commit to putting in place measures for the protection of and assistance to all who are affected by internal displacement.**

2. Critical humanitarian and human rights responses

(a) **Support joint efforts with humanitarian and development partners to implement a displacement profiling exercise in Libya in order to build a comprehensive picture of the internal displacement situation and identify trends, patterns and risk profiles, and to understand the location, needs, protection concerns and future preferences of internally displaced persons in comparison with the needs of the host communities;**

[28] During the mission, the Minister of Justice requested that such an assessment and comparison study be conducted, specifically in relation to transitional justice.

(b) Actively support the United Nations and other humanitarian and development actors, including non-governmental organizations, so that they can gain access to all locations and internally displaced populations, as security allows. Bureaucratic and other restrictions on full and rapid access to internally displaced persons are a major impediment to their work and effectiveness and should be lifted; and the Special Rapporteur urges increased positive facilitation by the Government of Libya with regard to the issuance of visas for humanitarian staff;

(c) Ensure that all essential civil documentation required in order to gain access to assistance and services, and to register to vote for elections, can be issued in places of displacement, with no undue cost or administrative or other barriers; and that there is access to banks and financial services in places of displacement;

(d) Ensure that the prohibition of arbitrary forced evictions of internally displaced persons is respected by all actors;

(e) Take into account the situation and needs of host families and communities that provide vital support and assistance to internally displaced persons in order to ensure that assistance reaches the host communities as necessary, and to prevent, to the fullest extent possible, tensions from emerging between the displaced communities and the host communities;

(f) Put in place appropriate mechanisms to reach internally displaced persons living in urban settings who may lack information, essential service provision and urgent protection;

(g) As all internally displaced persons must be treated equally, including with regard to their access to safety and assistance, on the basis of their rights, needs and situations and without discrimination on the grounds of their ethnic identity, their perceived political or group affiliations, their place of origin or any other factor, the Government should put in place policies that protect internally displaced persons, as opposed to treating them as a potential threat based on perceived terrorist group affiliations;

(h) Establish consultative and participatory mechanisms and forums to ensure that internally displaced persons, including women and other vulnerable groups, are fully involved in decisions affecting them;

(i) While legitimate security concerns require responses, these must be temporary, have a legal basis and be non-discriminatory in accordance with international humanitarian and human rights law. Internally displaced persons must not be subjected to arbitrary arrests, detention or other violations of their human rights, and ill-treatment of those detained is unacceptable. Any arrests must have legal justification and follow due process in accordance with international standards;

(j) Take all steps necessary to protect women, including vulnerable displaced women, from all forms of violation of their human rights. Strengthen prevention and response measures on violence against women and girls and prosecute those responsible for violations; give roles to women in camp management; ensure that water collection and bathing facilities are safe; and put in place rigorous protection monitoring systems and complaint and feedback mechanisms;

(k) Support the expansion of human rights and civilian protection monitoring mechanisms, with a view to facilitating and supporting independent and transparent investigations into possible violations of international humanitarian and human rights law committed by armed groups and any other actors accused of crimes; and establish measures leading to an effective transitional justice process for victims and a peacebuilding process, ensuring that internally displaced persons are fully involved in such initiatives and that they are carried out in strict accordance with international standards;

(l) Enhance protection and support, including but not limited to medical and psychosocial support, to displaced victims of torture and displaced children, particularly traumatized children and those who have been forcibly recruited by

armed groups, and refrain from any unjustified detention of children and from detaining children in adult facilities;

(m) As education must be considered as a high priority for internally displaced children, take all steps necessary to provide functioning education facilities at all levels and in safe and accessible locations;

(n) Ensure the systematic and disaggregated collection of information on missing and deceased persons, including the development of a database, in order to open cases with a view to identifying the whereabouts of missing family members, including children.

3. Durable solutions

(a) All measures necessary should be taken to ensure that all durable solution options are available to internally displaced persons, including voluntary return in safety and dignity, local integration or settlement elsewhere in the country. This should be a free and informed decision made by the internally displaced persons themselves;

(b) Ensure that any return of internally displaced persons to their places of origin takes place voluntarily, with information provided on the conditions in the intended place of return, and is carried out in conditions of security and dignity, and with services in place such as education and health care. Community-based interventions to improve livelihood opportunities should be supported, and the Government of Libya has a responsibility to assist with housing and with the recovery and restitution of property. Community reconciliation and social cohesion projects should be established where necessary. This may require trained units, police and other public officials, in order to avoid problems and tensions emerging;

(c) The Special Rapporteur considers that further joint efforts are still necessary to overcome obstacles to durable solutions, and calls upon all parties to approach durable solutions from a humanitarian and development perspective and to take concrete actions towards improving resilience and recovery strategies. Particular attention should be paid to internally displaced persons with specific needs, such as women, children, older persons, and persons with disabilities;

(d) Many thousands of internally displaced persons are living in territories controlled by armed groups or by self-proclaimed authorities, with little or no access to humanitarian assistance. Despite the security issues, it is nevertheless imperative to take measures to improve regular and consistent outreach and access by humanitarian actors, with appropriate security in place, including in areas not held by the Government of Libya;

(e) Armed groups must take responsibility for the protection of civilian populations, including internally displaced persons, who fall under their authority, and take all measures to ensure their security and that humanitarian assistance is provided to the fullest extent possible.[29] Armed groups must allow and facilitate the rapid, safe and unimpeded access of humanitarian workers and ensure the freedom of movement of the civilian population.

70. The Special Rapporteur makes the following recommendations to the United Nations, the international community and donors:

(a) Ensure that assistance and protection for internally displaced persons in Libya is a high priority on the international agenda. The capacity of the Government of Libya to meet the needs of such persons is limited, and United Nations agencies and civil society are constrained by a lack of international support and resources to deal with the situation and by the lack of a comprehensive response strategy on internal displacement. While Libya is considered an upper middle-income country with vast oil resources, the cost of the political conflict, the security conditions and the

[29] International humanitarian law also applies to non-State armed groups.

blockaded oil infrastructure have taken a severe toll on the economy and on the response to internal displacement;

(b) The funding shortfall for international humanitarian assistance is seriously hampering the ability of United Nations specialized agencies and international civil society organizations to fulfil their humanitarian and protection functions. The international community is urged to provide adequate additional funds and other resources required, as well as to guarantee funding for durable solutions in the longer term;

(c) Respond rapidly to requests for humanitarian funding across humanitarian sectors to ensure that the Libya Humanitarian Response Plan for 2018 is fully funded and has a balanced approach that fully includes internally displaced persons, and that financial pledges are delivered rapidly; ensure a strong focus on vulnerable groups of internally displaced persons in the implementation of the Humanitarian Response Plan; and work more closely with local actors and local non-governmental organizations, who potentially have a wider reach;

(d) Support initiatives that address the priority needs of internally displaced persons, including progress towards durable solutions, for example by sponsoring exchanges of experiences with countries with similar displacement situations or by seconding technical experts on durable solutions to the Government of Libya;

(e) Provide expert guidance, training, tools and resources to assist in building national capacity and expertise among national authorities and civil society partners in order to draft and implement the road map;

(f) Ensure the timely and rapid engagement of international development partners to assist the Government of Libya across all sectors in the implementation of measures to support internally displaced persons so that they can achieve durable solutions;

(g) Support measures in the field of transitional justice and community reconciliation initiatives to ensure justice, restitution and compensation for internally displaced persons, and the resolution of incidents of human rights violations that caused internal displacement and those that occur during internal displacement, and consider adopting specific measures to address ethnic and tribal tensions.